

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

TED M. WILLIAMS, ET AL : **DOCKET NO. 06-2161**

VS. : **JUDGE TRIMBLE**

STATE FARM FIRE & CASUALTY : **MAGISTRATE JUDGE WILSON**
CO.

REPORT AND RECOMMENDATION

Before the court is plaintiffs' motion to remand [doc. # 13].¹ This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. The motion to remand alleges that plaintiffs' claims do not exceed the requisite threshold amount for the exercise of diversity jurisdiction (\$75,000+). Plaintiffs have stipulated that their damages do not exceed \$75,000, renouncing all rights to any amounts over \$75,000. Defendants do not oppose remand.

Accordingly, the court finds that the amount in controversy does not exceed the minimum amount required to invoke federal diversity jurisdiction. *DeAguilar v. Boeing Co.*, 47 F.3d 1404 (5th Cir. 1995). Subject matter jurisdiction is lacking and remand is required. 28 U.S.C. § 1447(c). For the foregoing reasons,

IT IS RECOMMENDED that plaintiffs' motion to remand [doc. # 13] be GRANTED.

Under the provisions of 28 U.S.C. § 636(b)(1)(C), the parties have ten (10) business days

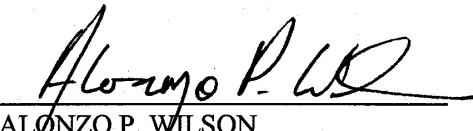
¹ The motion has been referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A).

from receipt of this Report and Recommendation to file any objections with the Clerk of Court.

Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS
AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10)
BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED
PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN
ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL
CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on July 5, 2007.



ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE